

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JACK LEE OSBORNE,
Plaintiff.

vs.

BRAID CAIN, Superintendent,
Snake River Correctional
GARTH GULICK,
Snake River Correctional Facility
Medical Doctor Sued in their individual
and official capacities, et al,

Defendants.

)
) **Civil No.** 2:19-cv-00595-JR
)
)
) **CIVIL RIGHTS COMPLAINT**
) **[§ 1983]**
)
)
) **Trial by Jury Demanded**
)
)
)
)

COMES NOW, **Jack lee Osborne, Sid# 22493715** plaintiff pro Se, who presents the following civil-rights complaint and claim for compensatory, declaratory, and injunctive relief.

I.

INTRODUCTION.

1. This is an action for money damages, declaratory, and injunctive relief brought pursuant to **42 U.S.C. §§ 1983, 1985 and 1988**, the **Fourth and Fourteenth Amendments** to the **United States Constitution**, and under the law of the **State of Oregon** against **SRCI, Superintendent Brad Cain, SRCI Medical Staff** as stated aformentioned in caption, and sued in their individual and official capacities, together with their supervision officers and agencies, for deliberate indifference to Plaintiff's known serious medical needs.

2. This action places before the court a lawsuit involving the administration of the Snake River Correctional Institution (a Oregon Facility of the Oregon Department of Corrections, charged with the

custody and control of approximately 3000 inmates). And the private medical practitioner contracted with the State of Oregon to provide SRCI inmates with medical care.

3. This complaint alleges that adequate medical care has been and is being refused to Plaintiff by the Oregon State Correctional Institution (SRCI) in concert with its contracted resident physician to the Corizon Health Inc.

II. PARTIES

Plaintiff: **Jack Lee Osborne** brings forth this civil rights complaint. Plaintiff is currently housed at department of corrections : **Snake River Correctional Institution- 777 Stanton Blvd., Ontario, Or 97914**

Are their additional plaintiffs? [☐] Yes [☒] No.

Defendants;

4. Defendant **Brad Cain**, Superintendent-at all times relevant to this action was/is employed as Superintendent of Snake River Correctional Institution 777 Stanton Blvd Ontario Oregon 97914, charged with the custody and care of plaintiff. Superintendent Brad Cain is the facility's highest authority responsible for the appointment, employment, and oversight of facility operations generally, and is the final appellate authority over inmate institutional grievances and concerns. At all times relevant to this complaint, warden Brad Cain acted under the color of State law. He is hereby sued in his individual as well as official capacity, jointly and severally, for those acts and omissions described fully bellow. —

5. Defendant **Garth Gulick** at all times relevant to this action was/is a partner of (Valley Medical Group, LLC, 783 North Franklin Suite 4, Boise Idaho 83707), contracted to provide medical care to the inmates of SRCI, 777 Stanton Blvd Ontario Oregon 97914, charged with with the duty of providing professional medical services of General practitioner to the inmate population. At all times relevant to

this complaint, Dr. Gulick acted under the color of state law. He is hereby sued in this individual as well as official capacity, jointly and severally, for those acts and omissions described fully

6. **C. Gigiulio-** Medical Director, Health Care Services at 2575 Center St. NE Salem, Or
7. **Nurse J. Williams-RN,** Snake River Correctional Institution, 777 Stanton Blvd. Ontario, Or
8. **Nurse Wagoner-RN,** Snake River Correctional Institution, 777 Stanton Blvd. Ontario Or
9. **Nurse Sieto-RN,** Snake River Correctional Institution, 777 Stanton Blvd., Ontario Or
10. **J. Buhger-** Health Services Administrator

The above named defendants are sued in their individual and full capacities

Are you suing more than one defendant

☐ [+] Yes ☐ [] No

III.

JURISDICTION AND VENUE .

The county of Malheur-City of Ontario is where the events complained of have occurred, Jurisdiction is asserted pursuant to the United States Constitution and **42 U.S.C. § 1983**, to redress the deprivation of those rights secured by the United States Constitution, deprived by persons acting under color of state law. **THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON** has jurisdiction over these matters pursuant to **28 U.S.C. §§ 1331, 1343(a)(3)**.

IV.

PREVIOUS LAW SUITS

Plaintiff has never before filed a civil law suit, nor has there been previous litigation regarding any of the issues described in this complaint.

V.

STATEMENT OF FACTS

Plaintiff in above mentioned action brings forth this complaint alleging **42 USC 1983** *Deliberate Indifference* and **42 USC 1997 e (e)**. The above mentioned defendants are violating plaintiffs civil rights under the first amendment and eighth amendments. Plaintiff is an Oregon Department of Corrections Inmate located at Snake River Correctional Institution- 777 Stanton Blvd., Ontario, Or 97914.

1.

Plaintiff is currently housed at **SRCI in disciplinary Segregation Unit-DSU-A-48**. Plaintiff states that his “serious medical needs” are being violated by the aforementioned defendants. Defendants knowingly showed disregard to my constitutional rights by subjecting me to *deliberate indifference to my serious medical needs*, also subjecting me to infliction of emotional injury, and showing no compassion while making the plaintiff suffer in uncomfortable living conditions. Plaintiff also states that the defendants have elected to show and administer “ Retaliatory” and “ Conspiracy” tactics- to “ Stall” and not effectively aid in Plaintiff’s plea’s and complaints-instead of assisting with my medical needs. The plaintiff has been Ridiculed, Humiliated and neglected. These tactics are still being employed by the aforementioned defendants with pure malice intent.

Plaintiff has been seeing doctors at several locations : **Josephine Co Jail, Coffee Creek Cor. Inst., and Snake River Corr. Inst.-** complaining about pain in my “ *back, neck, spine, joints and bones*”. Plaintiff has been complaining about these issues since October of 2017.

While received at Snake River Cor. Inst, plaintiff initially met with doctor B. Hemphill and complained about pain I am experiencing in my lower back and my joints and bones. Mr. Hemphill prescribed me to *Symbalta* for pain relief. But after three days of use, I stopped the use because it was making me nauseated and sick. (plaintiff discontinued that medication) then Dr. Hemphill ordered labs to be taken. Upon the results, he indicated to me that I may have a blood disorder., I was scheduled to see a hematologist off-sight doctor. At that time it was determined that i was diagnosed as

having “**Chronic Lymphocytic Leukemia**”. - *Stage – 0 cancer*. Plaintiff has been through many regimens of pain relief. (*Tylenal, Ibuprofens, Asprin, Mobic, Nortriptyline, Symbalta*) with negative results—Thusfore leaving me in continuous pain that affects my sleeping, and hinders my normal activities—causing me emotional stress.

2.

On 6-30-2018, I was placed into **DSU Disciplinary Unit** at SnakeRiver on unrelated matters.

While in my new isolation cell I had submitted a sick call sign-up. And the following **Tuesday JULY 10th, 2018** I met with **DSU provider Dr. Garth Gulick** in which i had complained of my pain levels, and described to him that it was pain associated with my joints and bones. “*Neck, Elbows, Lower-back, Hips, Knees, and the balls of my feet.*” I then asked Dr. Gulick if he could prescribe something that is effective for pain relief, because (*Tylenal, Ibuprofens, Asprins, Symbalta*) are not effective. And I requested pain management be applied. Immediately Dr. Gulick became adverse to my request and asked me “*What I was looking for?*” I responded: “*Anything that is effective-Tramadol, Gabapinitin.*” at that point Dr. Gulick began to tell me that the “*Policy state-wide for pain management has stopped, and even out in society as well* “. I then say to him that I am diagnosed with “**CLL—Leukemia**” At which point he consulted his paper charts within my Medical file and told me that “*I was acting like a Junky*”- I responded: “*I'm not*”, and told him to consult my records. He then ordered x-rays to be taken of complained areas, and closed the medical file and told me to have a nice day—End of appt.

On 7-12-2018 I had signed up with A.M. Nurse complaining of pain. On **7-17-2018** I seen Dr. Gulick concerning pain I am having. During that doctors appointment he read the results to the x-rays and said that i had “*moderate artheritis in the neck, and a narrowing in my lower lumbar spine*”. And then he prescribed me to **Nortriptyline 10mg**. I then asked if he could just prescribe me to *Tramadol* which is more effective? At which point Dr. Gulick began to tell me once again” *that the Oregon state*

laws are changing, and real soon nobody will be receiving pain relief management. He then pointed at his foot and said he's had a bone spur for years, and he don't take no medication at all for it." I then told him that" *I will just file a grievance over this matter"* and he said:" *He then told me to go ahead, other people have filed suits against him already-and that the courts would not side with me on this* " and then he said" *Unfortunately you only have a couple years left"* and then closed my medical file. That concluded my appt.

On **7-19-2018** I signed up with the nurse and complained of pain in my joints and bones, I seen Dr. Gulick that following **Tuesday 7-24-2018** and told him that I'm still feeling a substantial amount of pain, and that the *Nortriptyline* was ineffective. He asked me if *I wanted to increase the dose?* At which point he raised it to **25 mg.Nortriptyline**, and then prescribed me to **Meloxicam (Mobic)** I then told Dr. Gulick that" *I had a growth above my pubic hairline"*, at which time he examined the growth and said that it looked like a growth that was common with "*Aids*", he then ordered **blood labs**, and he ordered **x-rays** of my *knees and feet*. I then asked if he could just *prescribe me to effective pain management*, and he told me I was "*STACKING UP ALL THE RED FLAG'S*" about why he could not help me. He then stated that if I take "*One Tylenal and one Ibuprofen*" and take them together that it would act like Morphine. I just looked at him, and that concluded our appt.

On **8-30-2018** I had signed up with the AM. Nurse complaining of pain in the joints and bone of my body. I seen Dr. Gulick that following **Tuesday-8-31-2018**. Upon that appointment Dr. Gulick went over the lab reports and it was determined that I have *Hepititus B*, He also told me that the **x-rays** on my *knees* were ok, and that I had *artheritis* on my fourth left toe. I then told Dr. Gulick that the pain medicines were not effective. He then flipped through my medical file and consulted the *paper stat's*, and told me that there's "*nothing here that indicates you are in pain*". He then continued to tell me that I'm in perfect health for my age. I then told him if that were true, then I would not be here talking to you, and I asked if he could apply effective pain management relief? He once again told me that I was

alerting all the red flags of a drug addict. At that point an argument ensued and **C/O. John Doe** stepped into the office to make sure that nothing further escalated. I told Dr. Gulick: “*So if I did not ask you for pain management, then you would just give it to me?*” His response was: “*I’m not psychic*” At that time my doctors appointment ended.

On **7-22-2018** I had filed a grievance at the first level against Dr. Gulick for acting unprofessional and showing indifference by *humiliating my character* by calling me a **junky**. He understands my diagnosis of *Leukemia* and *Hep B*, plus I’m on *high blood pressure medications* and I take *Levothyroxine* for a thyroid disorder.

On **8-1-2018** I received my first level appeal grievance back, and I was dissatisfied with K. Brotherson-RN response and I then said I’ve been prescribed to Nortriptyline and it is ineffective.

On **8-26-2018** I responded to my first level response and was dissatisfied. I then submitted my second level response.

On **8-28-2018** I received A receipt from the grievance coordinator- James Taylor indicating that my grievance was forwarded to appropriate personnel and that they will respond in 30 days. *The 30 days went beyond that mark by 6 days*—Which is A strong indication that “**Stalling**” tactics are at play.

On **9-24-2018** I had signed up with nurse J. Williams to see the Doctor. On **9-25-2018** I was not taken to see the doctor.

On **9-29-2018** I had signed up with nurse Wagoner and complained of pain in my Joints and Bones. She said that she would put me on the doctors line.

On **10-2-2018** I was not taken to see Dr. Gulick. (Once again I am being subjected to deliberate indifference by the medical department and its personnel intentionally.)

On **10-4-2018** I signed up with A.M. Nurse Wagoner who wrote down my info on her glove. I told her that i was in pain and needed to see the doctor-provider.

On **10-9-2018** I was not escorted to see the Provider.

On **10-4-2018** I received my second level appeal response in which the medical Director said that my pain levels were addressed on **8-21-2018**. He also stated that I should had discussed my pain levels with Dr. Gulick at that time. I was dissatisfied with that response as I had clearly stated within my response that the meds were ineffective. I then sent a third level grievance appeal on the matter as I am dissatisfied with the response, the grievance coordinator took 8 days to send me the receipt to notify me it was accepted and forwarded to the proper personnel for 3rd. Level response. **(LET THE RECORDS REFLECT THAT THE 2ND LEVEL RESPONSE WAS RESPONDED TO ON 9-25-2018—I DIDNT RECEIVE IT BACK UNTIL 10-4-2018)**

On **10-9-2018** I was not seen by Dr. Gulick. This is A direct violation of my rights to receive *medical attention to my serious medical needs*.

On **10-9-2018** Plaintiff sent a kyte to Dr. Gulick stating that medicine was ineffective.

On **10-11-2018** I received the kyte back and was told top to sign up with the sick call in the morning.

On **10-12-2018** Plaintiff signed up with the A.M. Nurse and told her I'm in pain and would like to see the provider.

On **10-16-2018** Plaintiff did not get to see the doctor.

On **10-17-2018** Plaintiff signed up to see the doctor, I told the nurse that i was in pain that is associated with my Joints and Bones

On **10-18-2018** Plaintiff was escorted to the doctors office, but the doctor was not there.- I instead seen nurse *Greenwall RN* who took my Blood Pressure and my **Blood Pressure was 141 over 98**. He then prescribed me to **50 mg nortriptyline**, which he had to get approved by authorized acting doctor. I told the nurse if he could get a doctors approval to be prescribed a *non-formalary* medicine instead? He then said he would consult the acting doctor – but it was denied.

On **10-20-2018** Plaintiff signed up with the A.M. Nurse and described that the medicine

Nortriptyline was making me nervous and it seemed that my Blood Pressure was high, and I had indicated that I'm having pain in my *Joints and Bones*.

On **10-23-2018** Plaintiff did not see the doctor.

On **10-30-2018** plaintiff talked to P.M nurse Price-RN and told her the Nortriptyline was making me nervous and my *Blood Pressure was high*. She told me to sign up with the the morning sick-call, and to let her know if the symptoms worsen.

On **11-2-2018** Plaintiff had notified the A.M nurse that I needed to see the Provider, *I explained I'm having pain in my Joints and Bones*. I was told that I was scheduled to see the doctor on **Nov. 6th 2018**

On **11-6-2018** Plaintiff was escorted to the Doctors office to see Dr. Gulick, upon the doctors visit with Dr. Gulick, I told him that the **Nortriptyline 50mg.** Was ineffective for my pain relief and had requested alternative pain management- "*Tramadol, or something effective*". He explained to me that "*there is no way that he could prescribe me to pain management, because theres nothing that validates my needs.*" I then told him that the "*Nortriptyline was making me nervous and my Blood Pressure was elevated.*" He then lowered my **Nortriptyline dose to 25mg.** He than read my recent lab results in which my *Leukemia has spiked* considerably since the previous month. *I'm suffering from Joint and bone pains*, Dr. Gulick understands my medical diagnosis of **CLL**—and other ailments I am suffering from.- as they are noted within my medical records.

On **11-24-2018** Plaintiff had asked nurse Sieto to sign me up with the Doctors line, *I had told him that my Joints and Bones were in pain*, I had then asked for my Blood Pressure to be checked- because I was not feeling well. He then looked at his medical sheet and had told me I was not on the Blood Pressure Clinic list- and then he walked away.--I asked again to have my Blood Pressure taken?- and he said that he would come back and do it later. At 12:00 noon, as nurse Sieto was making his noon pass through of the unit, I had asked to have my Blood Pressure taken? And he told me "*No, and that I'm not on the BP clinic list*", And then he walked away.

On **11-26-2018** I asked nurse Greenwall if he had put me on the BP clinic list at which time *he informed me that I was on that list.*--I then told him that *nurse Sieto had refused to do my BP on Saturday 11-24-2018*, Greenwall then told me *I was on the BP clinic list and had walked away*. He signed me up for Dr's. Line.

On **11-27-2018** I was never called out to the Doctors line to see Doctor Gulick.

On **12-3-2018** Plaintiff was released back to the mainline at SnakeRiver cor. Inst. Plaintiff had signed up with a medical kite to see the Doctor, at which point the Plaintiff was scheduled to see the Doctor on **12-19-2018**.

On **12-18-2018** The Plaintiff was once again placed into DSU unit for unrelated circumstances.

On **12-23-2018** Plaintiff had signed up to see the Doctor and nurse Sieto instructed me to be standing at my door in the morning to discuss my issues.

On **12-23-2018** Plaintiff was up and standing at his door when then A.M nurse had come by. I had told the nurse that Sieto had instructed me to be standing at the door in the morning. She had looked into her medical charts and then told me that there isn't any record of that. And then she had written down my complaint and then told me to be at the door in the morning to discuss the issues.

On **12-25-2018** Plaintiff was standing at the door in the morning as instructed. I than discussed with the nurse that that *I am experiencing pain in my Joints and Bones*, I also told her that *I'm experiencing pain under my left armpit area*. The nurse then explained to me that unfortunately there was "no" Doctor available because of the holidays. And the earliest I could see the Doctor would be **1-8-2019**--(*Which is another two weeks away.*)

On **1-8-2019** Plaintiff had seen Doctor Gulick, I had informed him that the medication "**Nortriptyline**" was making me very nervous, and that it elevated my Blood Pressure. He than discontinued the medicine. He said that:" *he could not prescribe any narcotic pain relief because of the new Oregon medical restrictions and the medical board*". He than went over the December lab

results with me, and it was an increase of my *Lymph"s*, and he would not provide an *alternative pain relief because nothing over the counter does not relieve the pain to my Joints and Bones*.

I then asked if he could prescribe me to a *lower tier and bottom bunk chrono*, he than consulted his reports, and said no, that I do not meet the requirements and do not qualify. I told him I have problems with my *knees*, but he still said he could not help me unless there was a valid reason. Doctors visit was then terminated.

3.

Throughout the months that have passed, with no change in the attitudes of these prison personnel, I continue to suffer at the hands of those who are suppose to provide proper medical treatment. *In a case: Parson v Ryan USDC (D-Ariz) case number 212cv00601-DKD A Doctor in Az. He has quoted as follows " This pain management style with intermittent pain relief from short-half-life medication is just wrong. It is actually the opposite of how cancer pain should be managed. Appropriate management using "long-half-life" opiates of adequate strength to ameliorate the pain. As Dr. Todd Wilcox MD. Has stated: Quote: " There are many options for adequate pain management. There is no excuse for therapeutic nihilism (under-treatment) of cancer pain...this appears to be the norm in the (Oregon) prison Health care." Unquote.*

I am suffering at the hands and treatment of Doctor Gulick, and the prisons personnel. And my medical records will shed light upon. I have declared many times to medical and this administration that I am in pain. This is A purposely applied maneuver to "**stall**" and "**delay**" my treatment with deliberate indifference, and these methods of how nurses and administrative personnel assist Dr. Gulick whom is showing lack of compassion and inflicting pure vindictiveness and disregard to plaintiffs serious medical needs.

As the *First Amendment* applies: No Prisoner should be held to retaliative disciplinary and neglect of medical that is adequate and professional behind the *plaintiff filing A grievance over the Doctors*

haste and Humiliations- along with his great desire to see inmates suffer.

Doctor Gulick purposely *lies to my face*, and tells me that throughout all his research into **Leukemia** and its symptoms, there's no evidence that supports that patience experience pain that is associated with *Joint and Bone pains*. Dr. Gulick has told me on numerous occasions *that these symptoms do not exist with patience of CLL and and Leukemia*. (*The American Cancer Institute does acknowledge that Bone and Joint pain are associated with Leukemia patience.*)

Dr. Gulick has provided a medication that is "*Ineffective*." I've told him on numerous occasions that his *unorthodox way of treatment is ineffective*, and that I'm in pain to this day. Dr. Gulick profoundly tells me that after consulting his "*Paper Records*" if it showed I was in pain, then he would make an order for "*Non-formalary*" medicine that would be effective in treating my claims. But as of right now, there isn't anything that he can do- **"HIS HANDS WERE TIED"**

Everyday, I experience some form of *uncomfortableness* and pain that is linked with my diagnosis. Every night as I toss and turn because of a *lack of sleep-due to the Joint and Bone pains*. Daily I'm *exhausted from lack of sleep*, when I have to travel up or down staircases I have to be extremely cautious for *fear that I may buckle and fall down*. The "*Balls of my feet*" are painful. My *neck* is stiff with pain, my *back* is hurting. This pain is constant- *I'm reminded at all times that I have this Blood disorder, and its called cancer, it keeps me in agony*.

These Medical Personnel and Correctional staff are like *adhesive hate*, not one of them are willing to consider the motto that they are sworn too "*Compassionate, unjudgmental*" towards Inmates Health.

I have been **Humiliated** by Doctor Gulick on more than one occasion, he has elected to not assist me, and has the *nurses* and other *personnel* parade behind him with this *pragmatic scheme of treatment* in which he try's to *persuade and sugar coat my Illness and psychologically tell me that I'm not in pain* —**IN WHICH HE IS WRONG!"**

On **3-4-19** Plaintiff had seen Doctor Hemphill for pain that I am experiencing in my *Joints and Bones*. My case was then submitted to the **TLC** board for evaluation- at that point my pain management was denied. It is unfair that I was denied pain management, as Dr. Gulick is the chairman of this committee, and is in charge of making these decisions for inmates.

A) It is an bias decision in which Dr. Gulick is the sole decision maker for this process, thusfore being *negative towards me for filing a grievance against him back in August of 2018*

This is A Doctor doing all that he can to limit all Inmates claims, and he brandishes the extreme opposite of compassionate care, *Medical* staff including the *Superintendent Brad Cain* are being *deliberately indifferent to Plaintiff's serious medical needs* in violation of the **Eight Amendment** of the **United States Constitution** on the **Cruel and Unusual punishment** Standard. Plaintiff has been denied the right to proper and adequate treatment to his medical condition.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Plaintiff has timely exhausted all administrative remedies prior to filing this complaint.

CAUSE OF ACTION

1. Defendants warden Brad Cain and Dr. Gulick, and nurses Et Al acted with **Deliberate Indifference** to plaintiff's *serious medical needs*, violating plaintiff's rights, constituting cruel and unusual punishment under the Eight amendment of the United States Constitution.

PRAYER FOR RELIEF

1. Plaintiff respectfully prays that this Court enter an order and award compensatory damages in the amounts of 500,000.00 both jointly and severally against defendants: B.Cain,C.Gigiulio, J.Buhger,Gulick,Sieto,Wagoner,and Williams.

2. Award punitive damages
3. Issuing injunctive relief, commanding the defendant's to (1) provide plaintiff with proper treatment for his pain treatment and provide adequate medication
4. Any other relief that this Court may deem just and proper.
5. Trial by Jury is hereby demanded on all claims allege herein, and the parties are hereby given notice pursuant to Fed R. Civ P. 38 (a)-(c).

respectfully submitted this 16 day of Apr. 2019

Print Name: Jack Lee Osborne
signature [Signature]
SID #22493715
Snake River Correctional Institution
777 Stanton Boulevard
Ontario, Oregon 97914-8335

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, (Jack Lee Osborne), declare and verify, under penalty of perjury under the laws of the United States of America, that I have read the foregoing and that it is true and correct to the best of my belief and knowledge.

Dated this 16 day of Apr. 2019

Name Jack Lee Osborne
Signature [Signature]
Sid#22493715
SRCI
777 Stanton Blvd.
Ontario, Or 97914

BRAD CAIN - SUPERINTENDENT.

- 1) THROUGH OUT PLAINTIFFS INCARCERATION AND FILING OF PLAINTIFFS
 - 2) GRIEVANCE, BRAD CAIN - SUPERINTENDENT - OVERSEES THE SUPER
 - 3) VISION OF DISCIPLINARY SEGREGATION UNITS. HE IS AWARE OF
 - 4) ALL THE GRIEVANCES THAT TAKE THEIR COURSE THREW THE ADMIN-
 - 5) STRATIVE PROCESS.
 - 6) PLAINTIFF HAS STATED IN NUMEROUS ATTEMPTS TO BRING
 - 7) AWARENESS THROUGH THE MEDICAL PROCESS THAT HIS SERIOUS
 - 8) MEDICAL NEEDS WERE BEING NEGLECTED INTENTIONALLY BY
 - 9) DR. GARTH GULICK WHO HAS DISRESPECTED THE PLAINTIFF
 - 10) BY NAME CALLING, AND INSINUATIONS THAT PLAINTIFF ISNT
 - 11) SUFFERING. THIS CONTINUED PRACTICE OF IGNORING PLAINTIFFS
 - 12) PAIN & SUFFERING IS VIOLATIONS UNDER 42 USC § 1983
 - 13) AND 42 USC § 1997e(e), THUSFORE VIOLATING PLAINTIFFS
 - 14) FIRST (1st) AMENDMENT, AND EIGHTH (8th) AMENDMENTS RIGHTS.
 - 15) PLAINTIFFS CONSTITUTIONAL RIGHTS CONTINUALLY ARE BEING
 - 16) VIOLATED AS A COURSE OF APPLIED DELIBERATE INDIFFERENCE
 - 17) IN WHICH THE SUPERINTENDENT BOTH IN HIS OFFICIAL AND
 - 18) INDIVIDUAL CAPACITY - WHILE UNDER COLOER OF LAW HAS
 - 19) IGNORED THE PLAINTIFFS PLEAS FOR HELP, AND THAT HE
 - 20) IS SUFFERING BY THE HANDS OF MEDICAL PERSONNEL THAT
 - 21) HE GOVERNS UNDER HIS AUTHORITY. - PURPOSEFULLY.
 - 22)
 - 23) I HEREBY DECLARE THAT THE INFORMATION CONTAINED
 - 24) HEREIN IS TRUE AND CORRECT, I UNDERSTAND IT IS MADE
 - 25) FOR THE USE OF EVIDENCE AND IS SUBJECT TO PENALTY AND PERJURY.
 - 26) DATED THIS 18 DAY, OF MAR, 2019
 - 27) SUBMITTED BY: Jack Lee Osborne
 - 28) Plaintiff, Pro-Se.
- JACK LEE OSBORNE
22493715
777 STANTON BLVD.
ONTARIO, OR 97914

Declaration M.D. C. GIGIULIO

- 1) ON SEPTEMBER 25TH, 2018 MEDICAL DIRECTOR C. GIGIULIO
- 2) WHILE PERFORMING DUTIES WHILE UNDER COLOR OF LAW HAS VIOLATED
- 3) MY RIGHTS UNDER 42 USC. § 1983 WHICH IS BROUGHT BY
- 4) ODOC INMATE JACK LEE OSBORNE WHO IS INCARCERATED AT
- 5) SNAKE RIVER CORRECTION INSTITUTION - DSU-A-04, 777
- 6) STANTON BLVD, ONTARIO, OREGON 97914.
- 7) M.D. GIGIULIO DIRECTLY AND INTENTIONALLY VIOLATED MY RIGHTS
- 8) UNDER CRUEL AND UNUSUAL PUNISHMENT CLAUSE UNDER THE
- 9) EIGHTH (8TH) AMENDMENT TO THE CONSTITUTION. BY FAILING TO
- 10) PROVIDE, OR INTERVENE TO PROVIDE TREATMENT AFTER NUMEROUS
- 11) COMPLAINTS BY THE PLAINTIFF INDICATING FOR THE NEED OF PAIN
- 12) RELIEF THAT IS CHRONIC AND CONTINUOUS. I'VE COMPLAINED
- 13) ABOUT PAIN WITHIN MY JOINTS AND BONES. M.D. GIGIULIO
- 14) IS AWARE THAT PLAINTIFF IS CLL (LEUKEMIA) M.D. GIGIULIO
- 15) FAILED TO PROPERLY INVESTIGATE MY GRIEVANCE APPEAL IN WHICH
- 16) HE POORLY RESPONDED TO MY SECOND LEVEL GRIEVANCE APPEAL
- 17) WHICH WAS THEN NEGLECTED IN "STALLING" THE RESPONSE.
- 18) CLEARLY M.D. C. GIGIULIO DID NOT THOROUGHLY REVIEW MY
- 19) GRIEVANCE APPEAL STEMMING FROM THE UNPRODUCTIVE AND
- 20) RIDICULE AND HUMILIATION I WAS SUBJECTED TO WHILE AT
- 21) SEVERAL DOCTORS APPOINTMENTS WITH DR. GULICK. IN MY
- 22) SECOND LEVEL APPEAL GRIEVANCE REVIEW, WHERE IT STATES:
- 23) (HOW CAN THE PROBLEM BE RESOLVED?) I HAD ASKED THAT
- 24) PAIN MANAGEMENT BE APPLIED BECAUSE THE CURRENT MEDICATION
- 25) TREATMENT "IBUPROFEN, TYLENOL, ASPIRIN, MORIC, NORTRIPTYLINE
- 26) WERE INEFFECTIVE.
- 27) I HAD OUTLINED IT AS THOROUGHLY AS I COULD - ABOUT
- 28) PAIN I WAS STILL ^{EXPERIENCING} ~~STILL~~ ~~NOT~~ AND WITH ALL THE OTHER

CONT... Declaration
M.D. C. Gigulio

- 1) ailments I suffer from. Medical Director should had
- 2) intervened and scheduled an appointment to oversee and
- 3) examine my issues of complaint. Because obviously there
- 4) are animosities between Plaintiff and Dr. Gulick - which
- 5) the appointments result in zero compassion.
- 6) This conspiracy to aggravate the "stalling" tactics
- 7) which is deliberately applied - thusfore my serious medical
- 8) needs are continuing to be ignored, and I'm still being
- 9) purposely denied access to see Dr. Gulick with positive
- 10) results to my medical needs. M.D. Gigulio has the
- 11) power to intervene, but fails to utilize his authority,
- 12) to ensure that the nurses, & Dr. Gulick stop retaliating
- 13) against me. This also demonstrates the will to "stall"
- 14) on my grievance and his failure to read my grievance
- 15) thoroughly. - Thusfore my serious medical needs are
- 16) not being met with attention - and with professionalism.
- 17) This is also a violation of my First (1st) Amendment
- 18) rights and my Eighth (8th) Amendment rights - also
- 19) corresponding with 42 U.S.C. § 1997e(e) in which
- 20) my medical rights are being subjected to retaliatory
- 21) and conspiracy to cause me pain & suffering both
- 22) physically and emotionally. - and this is being done
- 23) with vindictiveness and maliciously to deny me medical
- 24) care without deliberat indifference.
- 25) _____
- 26) I hereby declare that the information contained herein
- 27) is true and correct, I understand it is made for the use of
- 28) evidence and is subject to penalty and perjury.

Dated this 18 Day of Mar, 2019
Submitted By: Jack Lee Osborne
Plaintiff Pro-Se

Jack Lee Osborne
22493715
777 Stanton Blvd. Ontario, OR 97914

Declaration

J. BUGHER - Health Service Administrator.

- 1) ON 11-1-18, HEALTH SERVICES ADMINISTRATOR - J. BUGHER
- 2) OF SNAKE RIVER COR. INST. WHO IS WORKING IN HIS/HER
- 3) INDIVIDUAL AND IN FULL CAPACITY WHILE WORKING UNDER
- 4) COLOR OF LAW HAS IGNORED PLAINTIFF'S PLEAS THROUGH
- 5) ADMINISTRATIVE PROCESS. J. BUGHER HAS ELECTED TO
- 6) SHIELD THE FACTS WITHIN MY GRIEVANCE AND DID NOT
- 7) INTERVENE AND SCHEDULE A DOCTOR'S APPOINTMENT TO
- 8) OVER-SHADOW DR. GULICKS TECHNIQUE OF EVALUATION
- 9) AND TREATMENT FOR PLAINTIFFS COMPLAINTS.
- 10) THUSFORE VIOLATING PLAINTIFFS RIGHTS UNDER 42 USC
- 11) § 1983, AND 42 USC § 1997e(e) ALONG WITH VIOLATING
- 12) PLAINTIFFS FIRST (1ST) AMENDMENTS, AND EIGHTH^(8TH) AMENDMENT
- 13) RIGHTS. THESE ACTIONS WERE INTENTIONAL AND DELIBERATE
- 14) TO RETALIATE AND CONSPIRE TO DENY ME ADEQUATE
- 15) AND EFFECTIVE PAIN RELIEF TO MY SERIOUS MEDICAL
- 16) NEEDS OF PAIN I'M SUFFERING FROM C.L.L. AND NUMEROUS
- 17) OTHER AILMENTS.
- 18)
- 19) I HEREBY DECLARE THAT THE INFORMATION CONTAINED
- 20) HEREIN IS TRUE AND CORRECT, I UNDERSTAND IT IS
- 21) MADE FOR THE USE OF EVIDENCE AND IS SUBJECT TO
- 22) PENALTY AND PERJURY.
- 23) DATED THIS 18 DAY OF MAR, 2019
- 24) SUBMITTED BY: ~~Jack~~ Lee Osborne
- 25) Plaintiff Pro-Se
- 26) JACK LEE OSBORNE
- 27) 22493715
- 28) 777 STANTON BLVD.
ONTARIO, OR 97914

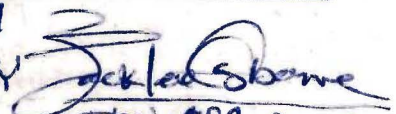
DECLARATION.
NURSE WAGONER

- 1.) ON 9-28-18/10-5-18 NURSE WAGONER WHO WAS
- 2.) PERFORMING HER DUTIES IN HER OFFICIAL CAPACITY WHILE
- 3.) UNDER COLOR OF LAW AT HER JOB LOCATION AT SNAKERIVER
- 4.) COR INST. - AS A.M. NURSE WITHIN DISCIPLINARY SEGRE
- 5.) GATION UNIT - DSA
- 6.) PLAINTIFF SIGNED UP WITH NURSE WAGONER FOR SICK
- 7.) CALL TO SEE DR. GULICK FOR PAIN I WAS CONTINUING
- 8.) TO EXPERIENCE. NURSE WAGONER WROTE MY INFORMATION
- 9.) ON A PIECE OF PAPER, AND HAD TOLD ME THAT I WOULD BE
- 10.) SCHEDULED TO SEE THE DR. ON TUESDAY(S) BUT AS TUES
- 11.) DAY(S) HAD ARRIVED - I WAS NOT ESCORTED TO THE DOCTOR'S
- 12.) OFFICE FOR APPT. I WAS SUBJECTED TO INDIFFERENCE
- 13.) DELIBERATELY AS CONSPIRACY AND RETALIATORY TACTICS
- 14.) WERE USED TO DELAY ME THE RIGHT TO SEEK HELP WITH
- 15.) MY SERIOUS MEDICAL NEEDS. THUSFORE DEMONSTRATING
- 16.) A LACK OF DUTY TO PUT ME ON THE REGISTRY TO SEE DR. GULICK.
- 17.) UNDER 42 USC § 1997 e(e) THIS CORRELATES WITH
- 18.) NURSE CONSPIRING WITH DR. GULICK TO CAUSE ME
- 19.) MENTAL AND EMOTIONAL INJURY, WHICH IS A RESULT
- 20.) IN MY STRESS LEVELS BEING INCREASED. - THUSFORE
- 21.) HAVING A PSYCHOLOGICAL IMPACT ON MY DAY TO DAY
- 22.) ACTIVITIES. THIS ALSO ARISES FROM 42 USC § 1983
- 23.) FOR DELIBERATE INDIFFERENCE AND INTENTIONAL INFLICTION
- 24.) OF PAIN. AND VIOLATIONS UNDER THE FIRST AMENDMENT
- 25.) FOR RETALIATORY AND CONSPIRACY TACTICS.
- 26.) — DECLARATION —
- 27.) I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
- 28.) IS TRUE AND CORRECT

DATED THIS 18
JACK LEE OSBORNE
477 STANTON BLVD.
ONTARIO, OR 97914

DAY OF MAR, 2019

SUBMITTED BY


Plaintiff Pro Se.

DECLARATION DR. GULICK

- 1) DR. GARTH GULICK, WHILE PERFORMING HIS DUTIES IN
- 2) HIS OFFICIAL CAPACITY WHILE UNDER COLOR OF LAW HAS
- 3) ACTED TO VIOLATE MY CONSTITUTIONAL RIGHTS UNDER THE
- 4) EIGHTH AMENDMENT, AND THE FIRST AMENDMENT BY SUB-
- 5) JECTING ME TO INTENTIONAL DELIBERATE INDIFFERENCE
- 6) AND CONSPIRING WITH OTHER PERSONNEL TO DENY ME APPR-
- 7) OPRIATE, EFFECTIVE, AND PROFESSIONAL MEDICAL ATTENTION
- 8) CONCERNING MY SERIOUS MEDICAL NEEDS. DR. GULICK
- 9) HAS DEMONSTRATED A CONTINUED PREJUDICIAL NON COMPLI-
- 10) ANCE AFTER I HAD ATTEMPTED TO EXPLAIN THAT I AM IN
- 11) PAIN THAT IS COURSGING IN MY JOINTS AND BONES. "NECK,
- 12) LOWER BACK, ELBOWS, KNEES, AND BALLS OF MY FEET." I
- 13) INFORMED DR. GULICK THAT I AM DIAGNOSED WITH
- 14) C.L.L. (LEUKEMIA). DR. GULICK THEN CONSULTS MY MEDICAL
- 15) PAPER CHARTS AND THEN TOLD ME THERE ISNT ANYTHING
- 16) THAT SUBSTANTIATES MY CLAIMS OF PAIN. IVE INFORMED
- 17) DR. GULICK HIS RECORDS ARE INCORRECT. HE HAD ASKED ME
- 18) "WHAT I WAS AFTER?" I RESPONDED "EFFECTIVE PAIN
- 19) MANAGEMENT, BECAUSE THE OVER THE COUNTER MEDS, TYLENOL
- 20) IBUPROFEN, ASPIRIN ARE NOT WORKING" I ALSO STATED "THAT
- 21) I NEED TRAMADOL, OR MORPHINE, - GABAPENTIN'S", HE
- 22) THEN TELLS ME THAT THE STATE OF OREGON DOES NOT TREAT
- 23) ~~for~~ FOR PAIN MANAGERMENTS, HE HAS HUMILIATED ME BY CALLING
- 24) "ME A JUNKY," AND ON NUMEROUS OCCASIONS HAS INFORMED
- 25) ME THAT I WAS ALERTING ALL THE RED FLAGS OF A DRUG
- 26) ADDICT, HE HAS SUBJECTED ME^{TO} INDIFFERENCE INTENTIONALLY
- 27) BY DENYING ME ADEQUATE MEDICAL ATTENTION IN A PROFES-
- 28) SIONAL MANNER. AFTER I HAD INFORMED DR. GULICK

CONT... DECLARATION
DR. GULICK

- 1) THAT I WAS FILING A GRIEVANCE AGAINST HIM FOR HIS
- 2) UNPROFESSIONAL RESPONSES TOWARDS ME, HE THEN BEGAN TO
- 3) PURPOSELY DENY ME MEDICAL ASSISTANCE ON NUMEROUS
- 4) OCCASIONS AFTER KNOWING THAT HIS PREVIOUS MEDICATION
- 5) PRESCRIPTIONS WERE NOT EFFECTIVE. DR. GULICK HAS
- 6) VINDICTIVELY SHOWN A BLATANT DISREGARD TO MY SICKCALL
- 7) SIGN UPS. HIS DIRECT UNPROFESSIONALISM TO PROVIDE ME
- 8) WITH ADEQUATE MEDICAL ATTENTION - AND DISRESPECTING
- 9) ME BY IMPLYING THAT I'M A JUNKY, AND IN THE SAME
- 10) BREATH TELLING ME THAT I'M IN PERFECT HEALTH FOR A
- 11) 52 YR. OLD. OBVIOUSLY DR. GULICK HASN'T CONSULTED
- 12) HIS MEDICAL RECORDS CONCERNING MY PROFILE., BECAUSE
- 13) CLEARLY I HAVE MANY ISSUES THAT STATE TO THE CONTRARY.
- 14) MR. GULICK HAS NO COMPASSION FOR THE ILL, AND
- 15) AS A RESULT OF HIS UNPROFESSIONALISM, THE INMATES
- 16) UNDER HIS CARE SUFFER THE CONSEQUENCES OF THIS
- 17) MEDICAL PROVIDER THAT OVERSEES THE DISCIPLINARY
- 18) SEGREGATIONAL UNITS HERE AT SNAKERIVER COR.
- 19) INST. - 777 STANTON BLVD., ONTARIO, OR 97914.
- 20) THIS COMPLAINT IS COMPLIANT WITH 42 USC §
- 21) 1983. AND 42 USC § 1997 E(e)
- 22) ————— DECLARATION —————
- 23) I HEREBY DECLARE THAT THE INFORMATION CONTAINED
- 24) HEREIN IS TRUE AND CORRECT TO THE BEST OF MY
- 25) KNOWLEDGE AND BELIEF. I UNDERSTAND IT IS MADE FOR
- 26) THE USE OF EVIDENCE AND IS SUBJECT TO PENALTY OF PERJURY.
- 27) DATED THIS 18 DAY OF Mar. 2019
- 28) SUBMITTED BY: JACK LEE OSBORNE

JACK LEE OSBORNE

22493715

777 STANTON BLVD, ONTARIO, OR 97914

Plaintiff Pro Se.

DECLARATION NURSE BIETO

- 1) ON 11-24-18/12-23-18 NURSE BIETO-RN WHO WAS
- 2) Performing His DUTIES in His individual and OFFICIAL
- 3) CAPACITY WHILE under color of LAW AT His JOB location
- 4) AT DSU - SNAKE RIVER COR. INST. AS A/M. WITHIN THE
- 5) SEGREGATION UNIT.
- 6) Plaintiff signed up FOR MEDICAL APPOINTMENT WITH
- 7) Doctor Gulick - Complaining of Pain, ALSO WANTING TO
- 8) HAVE Blood Pressure Performed - and Nurse Sieto
- 9) IGNORED MY Pleas on NUMEROUS occasions.
- 10) Plaintiff WAS SUBJECTED Deliberate indifference
- 11) WHICH is A violation of MY EIGHTH (8th) Amendment
- 12) RIGHTS. Plaintiff WAS THAN subjected TO Retaliatory
- 13) TACTICS in WHICH Nurse Sieto-RN Failed to Sign
- 14) Plaintiff up for Doctors APPOINTMENT AND Blood Pressure
- 15) clinic. WHICH is A violation of my first (1) Amend
- 16) ment RIGHTS. BOTH of These violations Are
- 17) ACTIONABLE under 42 U.S.C. § 1983, And 42 USC
- 18) 1997e(e)
- 19)
- 20) I DECLARE under Penalty of Perjury THAT
- 21) THE Above mentioned is True and correct.
- 22) DATED THIS 18 DAY OF Mar, 2019
- 23) SUBMITTED BY: Jack lee Osborne
- 24) Plaintiff Pro Se
- 25) Jack lee Osborne
- 26) 777 STANTON Blvd
- 27) ONTARIO, OR 97914
- 28)

DECLARATION NURSE WILLIAMS

- 1) ON 9-24-18, NURSE WILLIAMS WHO WAS PERFORMING HER
- 2) DUTIES IN HER OFFICIAL CAPACITY WHILE UNDER COLOR OF LAW
- 3) AT HER JOB LOCATION AT SNAKERIVER COR. INST. AS A.M.
- 4) NURSE WITHIN^{*} DISCIPLINARY SEGREGATION UNIT - A.
- 5) I HAD SIGNED UP WITH NURSE WILLIAMS FOR SICKCALL TO SEE
- 6) DR. GULICK. WHEN 9-25-18 (TUESDAY) HAD ARRIVED, I
- 7) WAS NOT TAKEN BY ESCORT TO SEE DR. GULICK CONCERNING
- 8) PAIN I AM EXPERIENCING. I WAS SUBJECTED TO INDIFFERENCE
- 9) DELIBERATELY AS CONSPIRACY TACTICS WERE USED TO DENY
- 10) ME THE RIGHT TO SEEK HELP WITH MY SERIOUS MEDICAL NEEDS,
- 11) I HAD INFORMED NURSE WILLIAMS THAT I WAS IN PAIN FROM MY
- 12) JOINTS AND BONES — SHE HAD WRITTEN THE INFORMATION ON HER
- 13) RUBBER GLOVE INSTEAD OF DOCUMENTING MY COMPLAINT WITHIN
- 14) HER NOTEBOOK ON MEDICAL CART. THUSFORE DEMONSTRATING
- 15) A LACK OF DUTY TO PUT ME ON THE REGISTRY TO SEE DR. GULICK.
- 16) UNDER 42 USC § 1997 E (E) THIS CORRELATES WITH NURSES
- 17) CONSPIRING WITH DR. GULICK TO CAUSE ME MENTAL AND EMOTIONAL
- 18) INJURY, WHICH IS A RESULT IN MY STRESS LEVELS BEING
- 19) INCREASED — THUSFORE HAVING A PSYCHOLOGICAL IMPACT ON
- 20) MY DAY TO DAY ACTIVITIES. THIS ALSO ARISES FROM ~~THE~~
- 21) 42. U.S.C. § 1983 FOR DELIBERATE INDIFFERENCE AND INTENTIONAL
- 22) INFLECTION OF PAIN. AND VIOLATIONS UNDER THE FIRST AMEND-
- 23) MENT FOR RETALIATORY AND CONSPIRACY TACTICS.
- 24) DECLARATION:
- 25) I DECLARE VERIFY UNDER PENALTY OF PERJURY THAT THE
- 26) FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.
- 27) DATED THIS 18 DAY OF MAR, 2019
- 28) Submitted By Jack Lee Osborne

JACK LEE OSBORNE
22493715

777 STANTON BLVD, ONTARIO, OR 97914

Plaintiff Pro Se

DECLARATION (ORCP RULE 1E)

1

2 I, RICO CARLOS NEWMAN, DO SO DECLARE THAT:

3 ON 11-24-2018, I WAS IN DSU-A-01 (DISCIPLINARY SEGREGATION -
4 UNIT-"A" - CELL-01). AT THIS SAME TIME, MR. JACK LEE OSBORNE
5 WAS IN THIS SAME UNIT, BUT IN CELL #04. ON THE MORNING OF THE
6 ABOVE STATED DATE, I WITNESSED MR. OSBORNE AT "SICK CALL".
7 BE THAT I TOO HAVING ADVERSE ISSUE WITH MEDICAL, IT PIQUE MY INTEREST
8 SINCE MR. OSBORNE & NURSE SIEDT WERE NO LONGER SPEAKING IN HUSHED
9 TONES.

10 I OVER HEARD MR. OSBORNE STATE A COMPLAINT THAT HE HAD BEEN
11 TRYING TO GET IN TO SEE THE DOCTOR FOR QUITE SOME TIME, BUT THAT
12 HAD YET TO HAPPEN. TOO, I HEARD MR. OSBORNE EXPRESS THAT HE WAS CONCERNED
13 ABOUT HIS BLOOD PRESSURE LEVEL, AND WOULD ALSO LIKE TO HAVE HIS BLOOD
14 PRESSURE TAKE AND GET ON THE WEEKLY "CLINIC" - WHERE IT WOULD BE TAKE
15 ONCE A WEEK. THE NURSE ACQIESCED, SAID HE'D MAKE SURE HE WAS ON THE
16 LIST - SET HIM UP FOR A DOCTOR VISIT - AND COME BACK THAT AFTERNOON W/ BLOOD PRESSURE
17 CUFF... TO THE BEST OF MY KNOWLEDGE, NONE OF THIS EVER OCCURRED.

18 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
19 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE
20 AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY OF PERJURY."

21 DATED THIS 27TH DAY OF NOVEMBER, 20 18.

22

23

24

SIGNATURE: NAME: RICO CARLOS NEWMANSID NO. 12397798ADDRESS: 777 STANTON BLVD.ONTARIO, OR. 97914 -